

Minutes
Louisiana Committee of Certification
April 10, 2015
Bienville Building
Baton Rouge, Louisiana

Meeting was called to order at 10:05 AM.

ROLL CALL:

A. Determination of Quorum.

Committee Members in attendance were: Dirk Barrios, Chairman, Mayor Vern Breland, Tom Walton, Delos Williams and Jake Causey.

Absent members were: Camille Mize, Barbara Featherston, Tom Owens, and Grant Magnon.

A quorum was achieved.

Recognition of Visitors and Others:

Visitors in attendance: Bobby Grier, Don Wheat, John Ward, Stan Redmond, Dennis McGehee, Nikki Hill, Brian Bernard, Vince Palumbo, Bonnie Sellars, Demetrius Jones, Gretchen McKinney, Rene' Johnson, and Gasper Palermo.

DHH staff in attendance: David McCay, McDonald Volentine, Steve Hoss, and Jim Mooring.

B. Announcements: There were no announcements.

MINUTES:

The minutes from January 16, 2015 meeting distributed to the Committee. Tom Walton made the motion to accept the minutes as written. Jake Causey seconded the motion which carried.

The minutes for the February 27, 2015 meeting were not prepared and will be considered at the next meeting.

CHAIRMAN'S REPORT:

No Report.

ADMINISTRATOR'S REPORT:

Dr. Mooring reported that he had recently spoken with Ronnie Harris from LMA about nominees for Mr. Magnon's position and he reminded the members of the 2 terms which will expire on 9/1/15. Tom Walton stated that the Chairman of the Louisiana Conference, Ronnie Turner, is aware of this and he is working on providing the nominees with biographic information.

TRAINING OFFICER'S REPORT:

The Committee reviewed exam statistics presented by Mr. Hoss. The stats from the 2015 exams to that date were provided along with exam totals from 2009 to that date.

SECRETARY'S REPORT:

No Report.

ASSOCIATION REPORTS:

Louisiana Conference: Mr. Tom Walton reported that the 2016 Conference will be held in Shreveport on the third week in March.

LELAA: Steve Hoss had no report.

LETA: No report.

LRWA: No report.

LWEA: No report.

OLD BUSINESS:

Anika Hubert:

Dr. Mooring stated that the letter of revocation from Dr. Guidry had been sent and received. Ms. Hubert requested an administrative appeal and David McCay referred this matter to the Department of Administrative Law. Mr. Causey asked if any of the Committee members would be involved in the Administrative hearing as far as depositions or other testimony. Mr. McCay stated that it is unlikely that anyone other than the witnesses who testified at the hearing would be involved.

Kyle Gray:

Mr. Barrios informed the members that a letter had been received from Mr. Gray but that he did not indicate that he is the operator for Dixie Garden. A new letter is expected. Once received he will forward a letter to Dr. Guidry with the disciplinary action voted on by the Committee.

Bobby Grier:

The Committee next conducted the hearing scheduled for Mr. Bobby Grier who was present. Stephen Ray, Regional Sanitarian, was also present by phone. David McCay swore in the witnesses.

A packet of information was distributed to the Committee and to Mr. Grier. The packet contained the original letter of violation as well as an updated one which shows that sampling has begun. Also included was evidence from the OCS database showing that Mr. Grier received his Class 2 certificates on January 25, 2011. This would be the date in which Mr. Grier took over as the operator for the system. Mr. Grier agreed with that. Mr. Grier also agreed that any violations which occurred after that date are his responsibility.

Mr. Grier stated that he was mistaken and that it was his understanding the lab was taking samples and that he first became aware of this upon receipt of the certified letter. He also stated that had not seen any of the sample results once sampling was begun. Mr. Grier stated that he did not receive any of the correspondence for the system but that he now does.

Mr. Ray had performed a survey on the previous day and he will provide Mr. Grier with a copy of the results. Mr. Volentine verified that they were not monitoring for DBP but that they have begun and now have MCL violations. Mr. Volentine verified that Lead and Copper samples had been received and that Public Notice had been given and DHH staff received that information.

Mr. Grier stated that he had met with Chris Brunson from Communities Unlimited which is working under a grant to provide technical assistance at no charge to small water systems which are having compliance issues. Mr. Brunson provided the Program with a letter stating that he finds Mr. Grier to be a capable operator. Mr. Causey encouraged Mr. Grier to utilize this resource. Mr. Causey stated that it seems that things are back in order concerning monitoring.

A motion to ask Dr. Guidry to impose the following disciplinary action was made by Mr. Causey and seconded by Mayor Breland: two years probationary period, a letter from Mr. Grier acknowledging his responsibility as a certified operator to assure that all sampling is completed and reported, attendance of 32 hours of additional, rules based training approved by the Chairman, that is to be completed prior to the end of the two year probationary period. This training is to be in addition to the training required to renew his certifications. The motion passed.

Demetrius Jones:

Mr. Jones attended the meeting in response to the letter he received informing him that the Committee is considering disciplinary action against him in regards to irregularities in sign-in sheets he submitted for two classes he held as the trainer. The letter with the allegations was provided to Mr. Jones and the Committee. Also included was a letter of response from Mr. Jones as well as a letter of support from Elizabeth Jones. The Committee was reminded that this was an informal meeting.

Mr. Walton asked Mr. Jones if he had been in any train the trainer classes. Mr. Jones said he had not. He was unfamiliar with the sign-in sheet procedures. Mr. Walton asked Mr. Jones if he still wants to be a trainer. He said that he does but that he has a lot to learn about procedures. He stated that he realizes he was not ready to conduct a class on his own.

Dr. Mooring reiterated the importance of maintaining the integrity of attendance at training classes. Mr. Jones stated that sometimes he meets in a smallest room behind Ms. Jones' office. Dr. Mooring stated that he checked that room. Mr. Jones stated that he didn't leave until 2:30. Mayor Breland asked Mr. Jones if this will happen again. Mr. Jones responded H... no!

Mr. Causey made a motion to schedule a hearing to consider all the evidence and testimony in this matter. Mayor Breland provided a second and the motion carried.

NEW BUSINESS

Donald Wheat

Mr. Wheat asked to be added to the agenda and he was present to appeal Program Staff's decision to inactivate his certifications based on failure to pay renewal fees since 2008. A

packet of information containing database records of: the inactive certificate, the accounting file showing no renewal payment since 2008, training records from 2009-2013 verifying 24 hours of training received in subsequent renewal cycles, and correspondence records with past due reminders since 2010. Also included was a copy of the inactivation letter and Mr. Wheat's written request for appeal.

Mr. Wheat stated that he had moved from the address on record in late 2009 and that his son was living at that address. He had not received any of the letters sent to that address with the exception of the inactivation letter. Mr. Wheat stated that this wasn't something that was being ignored but he had not gotten the notices himself. He admitted that this is his responsibility. Dr. Mooring asked if Mr. Wheat understands that it is his responsibility to inform the Program of an address change. He stated that he does understand that.

Mr. Walton stated that he recalls the Committee giving individuals the opportunity to pay fees up to current provided continuing education hours were met. Mr. Causey asked that a legal opinion be obtained concerning the interpretation of the rule and the amount of latitude the Committee has.

Fee Proposal

The Chairman addressed the proposed fee schedule which was provided to the Committee. He asked specifically about the "Education and Experience Fee". He asked if it is the Program's intent to charge this fee each time an exam application is processed since experience and education are considered with each exam application. Staff explained that it is not their intent to charge this fee each time an exam application is processed. Nor is it the intent to charge this fee for those individuals who correctly completed an exam application but did not meet the qualifying point total and who later do have the experience or education required for certification and are asking that their experience or education be updated. They do intend to charge this fee for those individuals who do a poor job of filing out the exam and do not provide sufficient information regarding experience or education and then submit an education and experience update form in order to correct the insufficient information. This places double duty on the over-taxed staff.

Mr. Causey suggested considering one fee which covers examination and certification: perhaps \$75. This would mean that if an individual passes an exam and qualifies for the certificate, he would receive his scores and the certificate without the extra step of applying for the certificate. The Program staff is in support of this approach.

Certification Requirements

Dr. Mooring directed the members' attention to a letter and accompanying documents he received from Wayne Lee regarding operator certification requirements. The Chairman agreed that it is difficult to attract Class 4 operators. He did state that the completion of 12 California correspondence courses equals the point total of his BS degree and that the BS degree is much more difficult to obtain.

Operator Complaint

The Committee was given a packet of information regarding a complaint against an operator. Dr. Mooring informed them that it is verified that no DMR had been submitted since 2008. Dr. Mooring spoke with the director of the facility. The director told him that

they had been having some issues with the sewer system and that they had someone look at the system. The director was unsure who had been operating the wastewater treatment system but that he would let the Program know that information.

COMMENTS FROM PUBLIC

A group of individuals representing several municipalities addressed the Committee concerning the requirements for operator certification. They stated that LA operator requirements are more stringent than neighboring states. They also stated that it is becoming increasingly difficult to attract, train, and retain operators who have the appropriate levels of certification. They asked the Committee to consider increasing the education point credit for a 90 hour University of California at Sacramento correspondence course from .3333 to .5 education points. The Chairman reiterated that, while he is sympathetic to the concern, it is possible to obtain Class 4 certification within 2 to 3 years by completing enough of the California Correspondence courses.

Another concern was that exams must be taken in sequence beginning at Class1. Mr. Walton stated that in the past it was possible to take a Class 4 without having taken any lower level exams. He believes that since the sequence requirement has been in place, the operators are now more competent and that is the reason the rule was changed.

Also suggested was that levels of certification be based on technologies used rather than population served.

Mr. Walton reminded the members and guests that EPA forbids backsliding as regards operator qualifications.

Also suggested was collaboration with Vo Tech facilities to train and promote the jobs in the Water and Wastewater industry.

The Committee asked the Program Staff to research the requirements from neighboring states and from the Associated Boards of Certification. The Committee will review this information at the next meeting.

NEXT MEETING DATE

The next scheduled meeting will be held at 10 AM on May 27, 2015 at the Bienville Building in Baton Rouge.

ADJOURNMENT

A motion to adjourn by Mayor Breland was seconded by Mr. Walton and was approved.